

C O N F I D E N T I A L SECTION 01 OF 02 BUCHAREST 001062

SIPDIS

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STATE ALSO FOR CA/OCS/CI - BALLIF AND BERNIER-TOTH

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SUBJECT: ROMANIA: DEMARCHE CONCERNING PENDING

INTERNATIONAL ADOPTION CASES

REF: STATE 73821

Classified By: CHARGE D'AFFAIRES THOMAS DELARE FOR REASONS 1.4 B AND D

¶1. (C) Begin Summary: Recent conversations with the President's domestic affairs advisor and the State Secretary for Adoption Affairs reveal substantial philosophical opposition to international adoption and even concern about alleged irregularities in the registration of such cases. This is despite general acknowledgment of the pledge made by President Basescu in the White House to find a solution to the problem of so-called &pipeline cases.⁸ Romania is currently engaged in a &protection plan⁸ that entails the case review of every child abandoned in Romania, with the expressed intent of reuniting such children with their birth parents if possible, or with other Romanian families. Even if not specifically targeting U.S. adoptive families, the on-going program may drastically reduce the total number of pipeline cases. End Summary.

¶2. (C) Charge called upon Presidential Domestic Affairs Advisor Claudiu Saftoiu on April 23rd and raised reftel points concerning pending international adoption cases. Saftoiu readily acknowledged the commitment made by President Basescu during his recent White House visit to seek resolution of the so-called &pipeline cases⁸ and said he will attempt to &work⁸ this category of adoptions. Charge also warned that formal signature of Romania's scheduled entry into the EU on April 25 would mark the beginning of a much more active campaign on our part to secure changes in Romanian adoption law and practices. In a later conversation that day, Saftoiu reported that he had briefed the President on our demarche.

¶3. (C) Unfortunately, Saftoiu would not directly reply to Charge's questions about implementation of the Child Welfare/Adoption Law. Charge stressed that implementation should not target prospective international adoption cases as the government investigated whether birth parents or extended families were now in a situation to take back children from institutional care. Saftoiu responded that he had just been briefed by Theodora Berti, State Secretary of the Romanian Office for Adoption, who told him that many of the international pipeline cases had been registered after the 2001 moratorium on international adoptions went into effect were regarded as &corrupt⁸. Charge urged Saftoiu to seek more concrete information on ostensible corruption so that we might find a way forward without that damaging charge hanging over the process.

¶4. (U) On April 26, the Consul General (CG) called on Berti to inquire how the GOR planned to proceed on the adoption question following the April 25 signing of the EU agreement, and to follow up Charge's conversation with Saftoiu.

¶5. (U) Berti stated that she had no evidence that corruption per se was involved in the registration of any adoption request by U.S. citizens. But she did aver that unspecified irregularities may have been in play. Regarding the specific &targeting⁸ of U.S. adoptive parents, she claimed that the ROA is creating a &protection plan⁸ for every abandoned child in Romania, not only for those matched with U.S. families. That process will be completed in July, and will include scrutiny for any evidence of corruption. After July, the ROA will consider whether to recommend the GOR create an international commission to assess "exceptional⁸ cases for potential international adoption. Berti doubts that such a commission would be needed, believing that there are domestic solutions) family reunification or domestic adoption) for all the children.

¶6. (U) Other foreign embassies have withdrawn many cases pending international adoption since January 1, Berti said, and have followed up with lists of cases of exceptional humanitarian concern. CG declined to provide such a list of U.S. cases, as our position is that child welfare experts should determine the best interests of each child in a legal, transparent process.

¶7. (SBU) Asked whether there was any hope that cases registered during the moratorium could ever be processed for international adoption, Berti responded that, at present,

Romanian law and the philosophy the GOR has adopted preclude international adoption except by biological grandparents. The ROA will try to resolve cases that were registered during the moratorium if current law allows, for example by recommending approval of Romanian residency for foreigners seeking both to become residents and adopt Romanian children.

(Note: This same option was raised by Saftoiu with the Charge, but the latter dismissed it as impractical and missing the point. End Note.)

18. (SBU) COMMENT: Despite President Basescu's commitment for positive action on the adoption issues, we see no movement by the GOR towards processing the pending international adoption cases to conclusion. Rather, the ROA has more explicitly embraced opposition to international adoption, in part out of philosophical conviction and, in part, owing to an admitted fear of EU criticism. Assistant Secretary Maura Harty's upcoming May 10-11 visit to Bucharest will be an important opportunity to emphasize to the GOR leadership the importance the USG places on finding a legal, transparent method for processing to conclusion international adoption cases registered before the ban.

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